

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 BRADFORD TECHNOLOGIES, INC,

No. C 11-04621 EDL

9 Plaintiff,

**ORDER REGARDING AMOUNT OF
FURTHER SANCTIONS**

10 v.

11 NCV SOFTWARE.COM, et al.,

12 Defendants.

14 In December 2012, this Court entered a stipulated order sanctioning Plaintiff in the amount
15 of \$96,939.27 for violating the Stipulated Protective Order with respect to Defendants' source code.
16 On August 6, 2013, the Court denied Defendants' request for terminating sanctions but stated that an
17 additional monetary award was appropriate. (Dkt. 166.) This monetary award was to comprise "the
18 reasonable expenses that Defendants incurred in taking expedited discovery regarding Plaintiff's use
19 of Defendants' source code, but excluding those that Defendants incurred in pursuit of their
20 counterclaims." (*Id.*) Since that time, the Court has given the parties ample opportunity to reach an
21 agreement on a sanctions award, but the parties have been unable to resolve the issue. Instead,
22 Defendants request a sanctions award of \$113,633.83. (2d Sneddon Decl. ¶ 15, Dkt. 162.) Plaintiff
23 counters that an award of \$25,000 is sufficient. (Pl.'s Obj. at 8.)

24 The Court awards Defendants fees and costs in the amount of \$71,703.18. First, the Court
25 disallows as duplicative: (1) \$2,625.00 in fees and \$961.80 in travel expenses incurred by attorney
26 Thomas Karrenberg in preparing for and attending the June 25, 2013 hearing on sanctions;¹ and (2)
27 \$2,337.00 in fees and \$139.82 in travel expenses incurred by local counsel Greg Sperla in preparing

28 ¹ Exhibit 2 to the Second Sneddon Declaration combines the travel expenses of Heather Sneddon and Thomas Karrenberg for a total of \$1,923.60. Consequently, the Court reduced this amount by fifty percent.

1 for and attending the deposition of Jeff Bradford. (2d Sneddon Decl. Ex. 1, Ex. 2; 2d Kappes Decl.
2 Ex. 1, Ex. 2.) Heather Sneddon argued on Defendants' behalf at the June 25, 2013 hearing and took
3 the Bradford deposition. The Court also declines to award \$3,542.00 in fees incurred by local
4 counsel Michael Lane for preparing and drafting a motion to seal as excessive. The Court further
5 declines to award Defendants \$1,595.09 in costs for electronic research because Exhibit 2 to the
6 Second Sneddon Declaration does not indicate the subject matter of the research.

7 These reductions result in fees and costs totaling \$102,433.12. The Court reduces this
8 amount by thirty percent, for an award of \$71,703.18, in light of the fact that some of the fees and
9 costs incurred by Defendants regarding the source code issue necessarily involved discovery
10 relevant to Defendants' counterclaims, and that Defendants only achieved limited success as to the
11 relief sought in their sanctions motion.

12 **IT IS SO ORDERED.**

13
14 Dated: September 3, 2013
15
16
17
18
19
20
21
22
23
24
25
26
27
28


ELIZABETH D. LAPORTE
United States Chief Magistrate Judge